

ZB# 05-38

Michael Petrone

67-2-6.1

05-38 Michael Petrone (Area) 67-2-61
Dean Hill Rd. - Lot #7 Benedict Pond Sub.

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 8-8-05



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

REQUEST FOR PUBLIC RECORDS

Date: 8 March 2007
Name: Frank E. Henning Jr
Address: 480 Hulse town Rd
Campbell Hall, N.Y.
Phone: (845) 496-7052
Representing: Keller Williams Realty (Client Thom)

Please specify:

- **Property location (street address or section, block and lot number)**
- **Department you are requesting records from**
- **Describe information requested as fully as possible**

Sub-division and ZBA information on 67-2-6.1
Approval to build on lot

Documents may not be taken from this office.



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

November 28, 2005

**Michael Petrone
501 Bramertown Road
Tuxedo Park, NY 10987**

SUBJECT: REQUEST FOR VARIANCE #05-38

Dear Mr. Petrone:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 67-2-6.1

**In the Matter of the Application of
OMAT, INC. (MICHAEL PETRONE)**

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-38

WHEREAS, MICHAEL PETRONE, PRINCIPAL, owner(s) of (67-2-6.1) located on Riley Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 73.4 ft Minimum Lot Width and; 25 ft. Side Yard Setback and; 50 ft. Total Side Yard Setback for proposed one-family dwelling at Riley Road in an R-3 Zone (67-2-6.1)

WHEREAS, a public hearing was held on AUGUST 8, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, one person spoke in favor of the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicant's property consists of a vacant building lot which met the minimum standards of the Zoning Law as it previously existed, but, has been rendered inadequate by the new and revised Zoning Law.

- (c) The subject property is irregularly shaped but, met the prior requirements of the Zoning Law of the Town of New Windsor.
- (d) In placing a single-family home on the lot, the applicant will not remove any trees or substantial vegetation.
- (e) In improving the lot, the applicant will not be creating the ponding or collection of water or divert the flow of water drainage.
- (f) The house will not be on top of nor will it interfere with any easements, including but not limited to, water, sewer and electrical easements.
- (g) It is the applicant's intention to connect the improved lot to the available town services for water and sewer.
- (h) The lone speaker at the meeting was in favor of the application stating that the applicant should be permitted to use his property.
- (i) The property is originally part of approximately an eight lot subdivision, all of which other lots have been improved and the infrastructure of roadways, etc. necessary has been constructed.
- (j) All of the lots in the approved subdivision are smaller than the applicant's lot; the applicant's lot being approximately two acres in size and each of the other lots being approximately 2/3 of an acre in size.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.

6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served providing the applicant binds this lot to an Outside Users Agreement prior to any development of the lot.

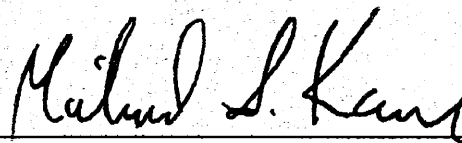
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 73.4 ft Minimum Lot Width and; 25 ft. Side Yard Setback and; 50 ft. Total Side Yard Setback for proposed one-family dwelling at Riley Road in an R-3 Zone (67-2-6.1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 8, 2005



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: May 24, 2005

**APPLICANT: Omat Inc.
501 Bramertown Road
Tuxedo Park, New York 10987**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 16, 2005

FOR : Omat Inc.

LOCATED AT: Dean Hill Rd. Lot 7 of Benedict Pond Estates II

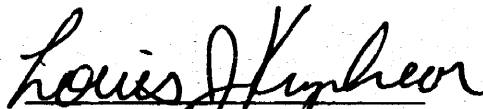
ZONE: R-3 Sec/Blk/ Lot: 67-2-6.1

COPY

DESCRIPTION OF EXISTING SITE: Vacant Land/proposed single family dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. 300-10 USE/BULK TABLE R-3 ZONE Line 6 column D required Lot width; Column F required side yard/both side yards.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

**ONE FAMILY
DWELLING**

ZONE: R-3 USE: Bulk Tables

MIN LOT AREA:	80,000'	107,709'	N/A
MIN LOT WIDTH:	175'	101.6'	73.4'
REQ'D FRONT YD:	45'	>500'	N/A
REQ'D SIDE YD:	40'	15'	25'
REQ'D TOTAL SIDE TD:	80'	30'	50'
REQ'D REAR YD:	50'	>50'	N/A
REQ'D FRONTAGE:	70'	101.67'	N/A
MAX BLDG HT:	35'	<35'	N/A
FLOOR AREA RATIO:	N/A	N/A	N/A
MIN LIVABLE AREA:	1,200	>1,200	N/A
DEV COVERAGE:	20%	<20%	N/A

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

MAY 16 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: PA2005-384

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

OMAT, INC. OMAT, Inc.

Address

501 Bramentown Road

501 Bramentown Rd

Phone #

845 782 5535

Mailing Address

TUXEDO PARK, NY 10987

Fax #

845 231 1091

Name of Architect

Owner

Address

Phone

Name of Contractor

MICHAEL M. PETRONI

Address

same

Phone

same

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer.

President
(Name and title of corporate officer)

1. On what street is property located? On the East side of Riley Rd
(N, S, E or W)
and Ash Beach Drive feet from the intersection of _____

2. Zone or use district in which premises are situated R3 Is property a flood zone?
Y N ✓

3. Tax Map Description: Section 27 67 Block 2 Lot 6.1 and 6.2 121 Bayview AR

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy

rough four house

b. Intended use and occupancy

Single family on one lot

5. Nature of work (check if applicable)

☒ New Bldg.

☐ Addition

☐ Alteration

☐ Repair

☐ Removal

☐ Demolition

☐ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 60 Rear 60 Depth 40 Height 35 No. of stories 2

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor

Number of bedrooms 4

Baths 3

Toilets 1

Heating Plant: Gas ☒

Oil

Electric/Hot Air ☒

Hot Water

If Garage, number of cars

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use

ZONING BOARD

N/A

PAYED
ck#437 \$50

05.16.05
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

[Handwritten Signature]
P. J. ... - OMAT. 11K

501 Provenance Rd - Tuxedo Park
NY 10987

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

see attached plans.

W

E

S

8.1

7

119.6

325.5

46.5

47

2

1
1.7A(C)

102.2

100.1

100.2

150

100.2

150

6.1
1.9A(C)

DISTRICT

(P/O 7)

BIRCH

DRIVE

JOLIE

(PROP)

2.12

SUB

178.7

(2)

178.7

ASH

ST.

105.5

66.5

5

200

200

200

100

100

784.3

140.5

3.11

(1)

159.5

191.2

101.8

50.7

101.5

141.5

250

150

150

150

4
1.8A

1

3

1A

MAP

132.8

(1)

8450

121.3

SUB

(2)

295.1

HARRIS

2.22

ROAD

2.21

190.8

2.1

100

170.6

170.1

198.2

100.1

105

95.1

1.1

2

3

4.1

4

4.21

1.7A

355.7

355.9

358.9

ROAD

207.5

17.99

100

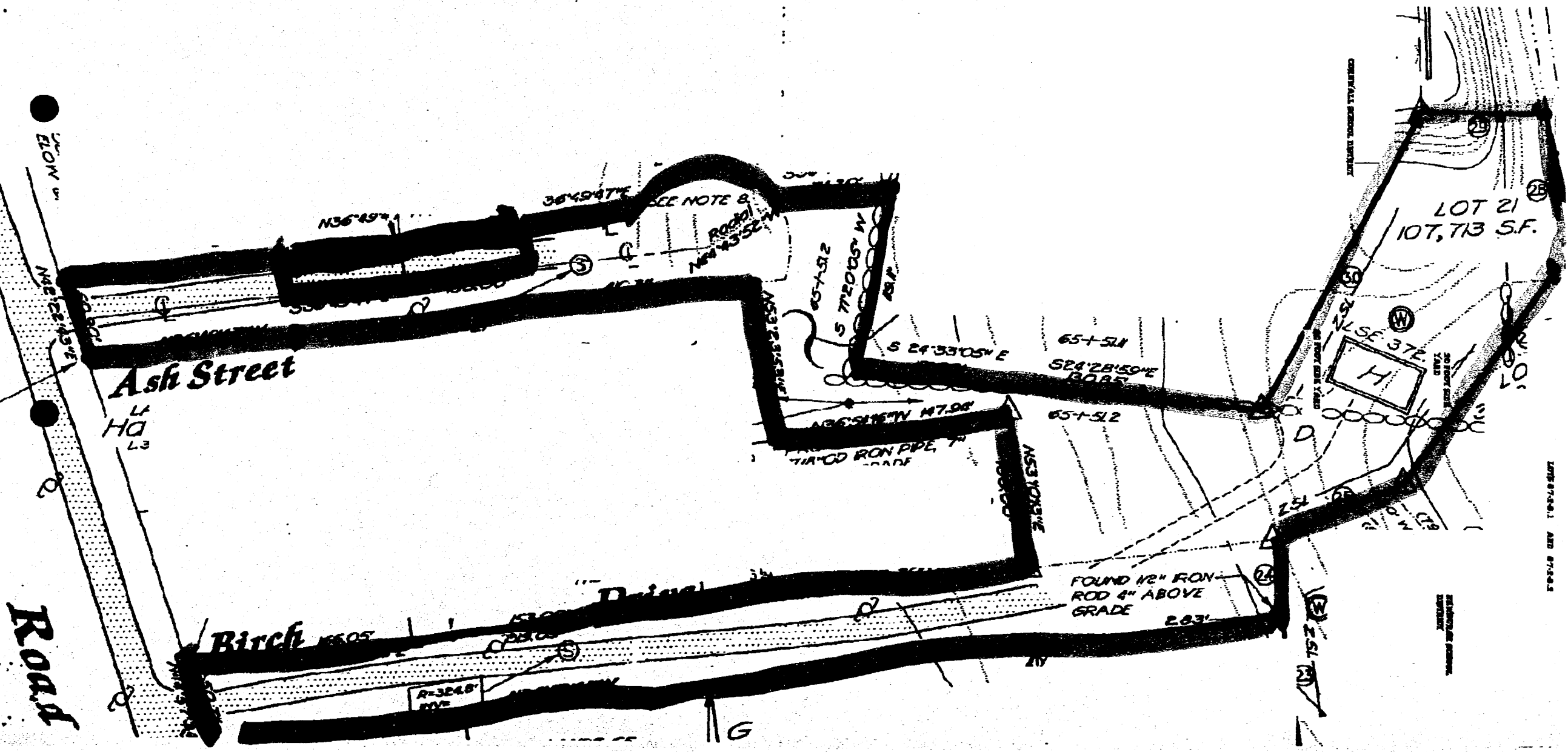
MAP

SUB

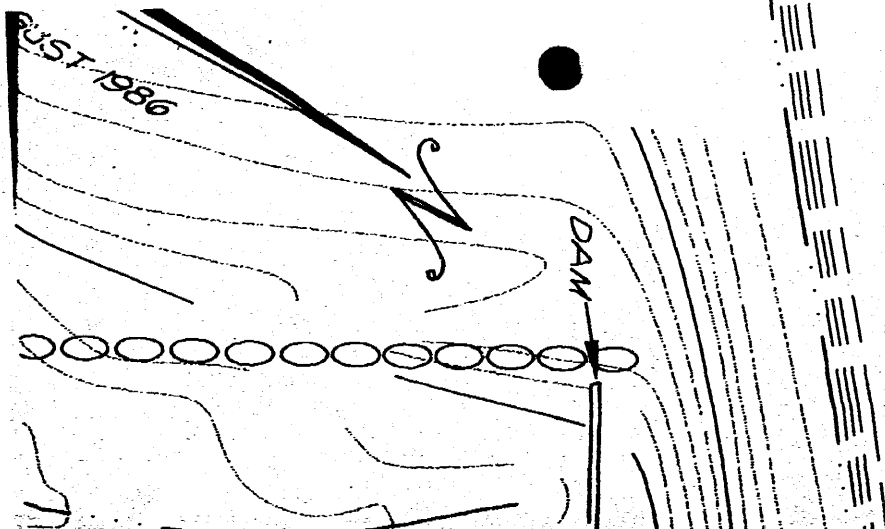
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150

150



UNPUBLISHED AND 67-5-3

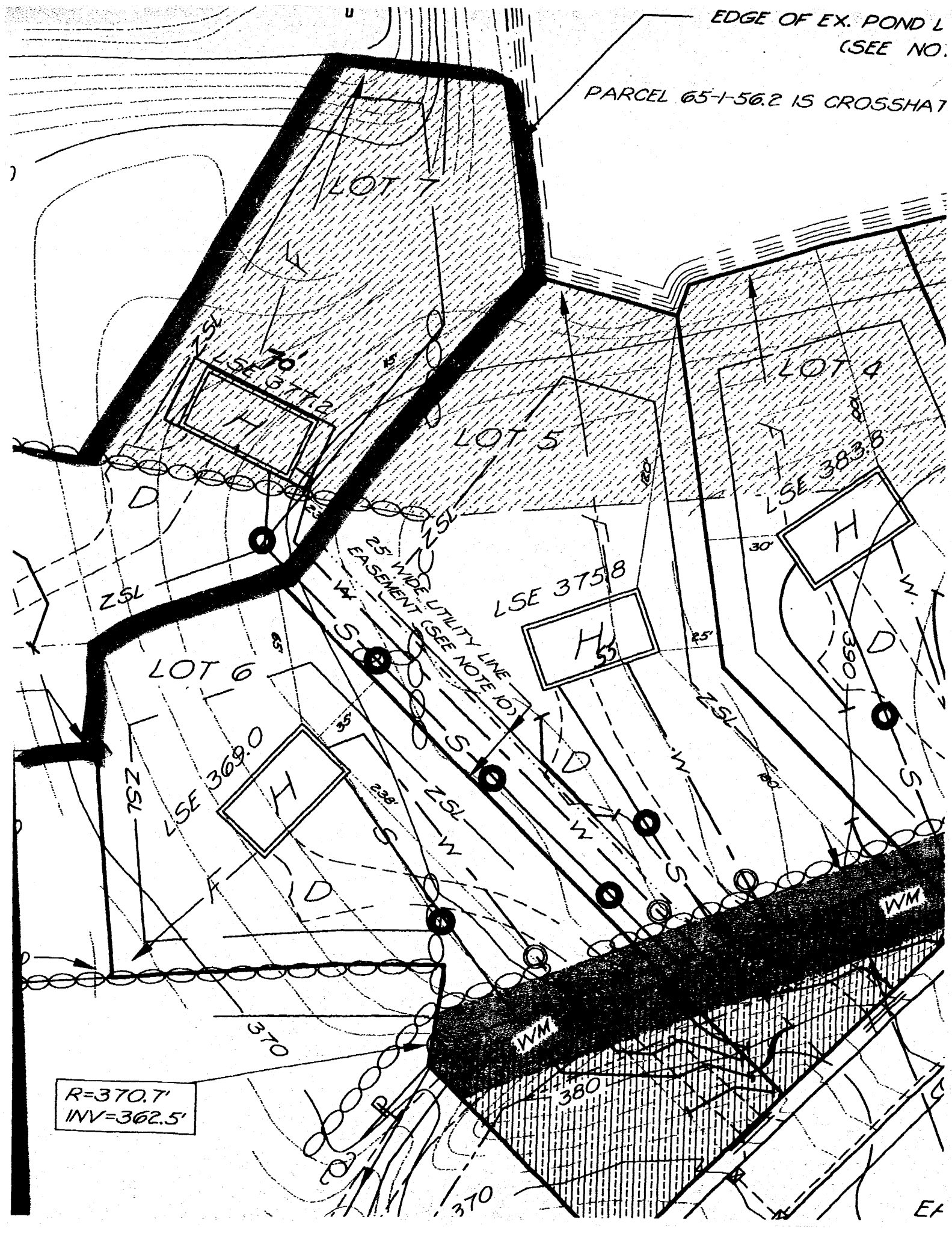


LANDS OF
Sorption, LLC
L. 5064 P. 127
Filed Map # 69-96
65-1-93



EDGE OF EX. POND L
(SEE NO.

PARCEL 65-1-56.2 IS CROSSHA7



Zoning Legend (R-3)

Suburban Residential

	Required	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7
MIN LOT AREA	32,670 S.F.	39,578 S.F.	33,350 S.F.	33,647 S.F.	35,737 S.F.	48,398 S.F.	39,999 S.F.	107,709 S.F.
MIN LOT AREA (Net)	32,670 S.F.	39,578 S.F.	33,350 S.F.	33,647 S.F.	33,633 S.F.	35,256 S.F.	35,634 S.F.	54,750 S.F.
MIN LOT WIDTH	100'	100.0'	175'	115'	110'	115'	104'	101.6'
FRONT YARD DEPTH	35'	40'	45'	100'	112'	180'	238'	>500'
SIDE YARD / TOTAL BOTH YARDS	15' / 30'	20' / 45'	44' / 121'	40' / 88'	30' / 73'	25' / 75'	35' / 83'	23' / 46'
REAR YARD DEPTH	40'	112'	95'	83'	100'	120'	65'	15'
STREET FRONTAGE	60'	100.13'	163.2'	119.52'	97.86'	115.55'	104.33'	101.67'
MAX. BLD. HEIGHT	35'	<35'	<35'	<35'	<35'	<35'	<35'	<35'
MIN LIVABLE FLOOR AREA	1,000 S.F.	>1,000 S.F.	>1,000 S.F.	>1,000 S.F.	>1,000 S.F.	>1,000 S.F.	>1,000 S.F.	>1,000 S.F.
DEVELOPMENT COVERAGE	15%	8.5%	9.0%	9.4%	10%	11.5%	13%	16%

FOUND 5/8"
IRON ROD



Table of Use/Bulk Regulations
Suburban Residential (R-3)
Town of New Windsor
Part 1

[Added 3-5-1986 by L.L. No. 1-1986; amended 4-7-1999 by L.L. No. 2-1999; 10-3-2001 by L.L. No. 4-2001;
7-3-2002 by L.L. No. 5-2002; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

	A	B	C	D	E	F	G	H	I	J	K	L
	Uses Permitted by Right	Uses by Special Permit of the Planning Board	Minimum Lot Area (square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard/Total Both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Livable Floor Area (square feet)	Developmental Coverage (percentage)
1	The following commercial agriculture operations and accessory uses thereto, provided that there shall be no storage of manure or other odor- or dust-producing substance or use, except spraying and dusting to protect vegetation, within 50 feet of any lot line:		5 acres	200	100	50/100	50	50	50	N/A	N/A	10
1(a)	Raising of field and garden crops, vineyard and orchard farming and the maintenance of nurseries.											
2	Buildings, structures and uses owned and operated by the Town of New Windsor.											
3	Commercial forestry. ¹											
4	Recreational facilities subject to § 300-19. ¹		5 acres									
5	Places of worship, including parish houses. ¹		3 acres	125	45	20/40	50	70	35	N/A		25
6	One-family dwellings, not to exceed 1 dwelling on each lot (regardless of the availability of central water or central sewer).	1. Convalescence facility without central sewer and central water ¹ 2. Home professional office as defined in § 300-89. ¹	80,000	175 ³	45	40/00	50	70	35	N/A	1,200	20

Notes:

¹ Planning Board site plan approval required; refer to use regulations.

² Special permit by the Town Board required.

³ One hundred twenty-five feet if greater than 50% road frontage on cul-de-sac.

TOP BIRCH





TOP ASH RIGHT AND LEFT



DP BIRCH



FROM RILEY UPHILL ON ASH



BIRCH AT RILEY



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 31, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 88.66 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-38

NAME & ADDRESS:

**Michael Petrone
501 Bramertown Road
Tuxedo Park, NY 10987**

THANK YOU,

MYRA

L.R.8-31-05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-38

TYPE: AREA

TELEPHONE: 782-5535

APPLICANT:

Michael Petrone

501 Bramertown Road

Tuxedo Park, NY 10987

RESIDENTIAL:	\$ 50.00	CHECK #446
COMMERCIAL	\$ 150.00	CHECK #
INTERPRETATION	\$ 150.00	CHECK #

ESCROW: RESIDENTIAL \$300.00 CHECK #447



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>10</u>	PAGES	<u>\$ 55.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	<u>\$</u>	<u>\$</u>
PUBLIC HEARING:	<u>8</u>	PAGES	<u>\$ 44.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	<u>\$</u>	<u>\$</u>

LEGAL AD: Publish Date: 7/25/05

\$ 42.34

TOTAL: \$141.34 \$ 70.00



ESCROW POSTED: \$300.00

LESS: DISBURSEMENTS: \$211.34

AMOUNT DUE: \$

REFUND DUE: \$ 88.66

Cc:

L.R. 8-31-05

August 8, 2005

16

PUBLIC HEARINGS: _____

OMAT, INC. (PETRONE) (05-38) _____

Mr. Michael Petrone appeared before the board for this proposal.

MR. KANE: Request for 73.4 ft. minimum lot width and 2.5 ft. side yard setback and 50 ft. total side yard setback for proposed one-family dwelling at Riley Road.

MR. KANE: I will ask at this point if there's anybody in the audience for this particular hearing? Okay, Mike, would you do the honors? He's just going to bring that to you to put your name and address on it so we have it for the stenographer and when we come around to the public portion, I will state it and then you can come up and ask whatever questions you need to. Tell us what you want to do, sir.

MR. PETRONE: I want to build a house on the lot and as we discussed already when the lot has been there for a long time, the bulk regulations of the Town have changed and so we had to adjust the conditions so that we can make it buildable. We need a side yard variance and a lot width variance.

MR. KANE: And the lot width variance is because of the unique nature of the layout of the property?

MR. PETRONE: No, the lot met the original, the old Town Code, Town Code has changed and therefore, nowhere you can place a house leaving the approximately 60 feet or 80 feet side yard which is not, which is now required and this is the last lot available in the area.

MR. BABCOCK: Mr. Chairman, when this lot was created, the lot width requirement was 100 feet, today's code it's 175 feet. At the time the lot was created, it had

August 8, 2005

17

101.6 so it did meet the code.

MR. KANE: Going to be cutting down any substantial amount of trees and vegetation in the building of the house?

MR. PETRONE: The two roads, driveways that are already open we'll need to clear for the house and probably 50 or 60 foot driveway to get there.

MR. KANE: So is there a substantial amount of vegetation that you're clearing out?

MR. PETRONE: I don't think so.

MR. KANE: That's a fair answer. Will you be creating any water hazards or runoffs in the building of the home?

MR. PETRONE: No, there will be no.

MR. KANE: Home going to be on well, septic, town water?

MR. PETRONE: Well, I should not, I cannot answer that, it would be on sewer because we have sewer access there, I hope Mr. Babcock can clarify that.

MR. BABCOCK: We're going to want the house on town water and town sewer, if at all possible for him to hook up to town water and town sewer we'll make him do that.

MR. PETRONE: All the lots I used to own these lots originally.

MR. KANE: Are they on town water and sewer?

MR. PETRONE: They all are, every single house is on town sewer and water, I have reason to believe that

August 8, 2005

18

this lot is included.

MR. KANE: So if it is available, the intent is to have it hooked up?

MR. PETRONE: Absolutely and there's also town water.

MR. BABCOCK: Yeah.

MR. BABCOCK: There was an issue with the rest of the lots about an outside users agreement, they'll have to get one for this lot if it's not already been taken care of by the ones prior.

MR. PETRONE: That's correct, we have obtained outside user agreement for each lot, I cannot tell this board that we did for this one lot, but if we didn't, it should be done, it will be the only one.

MR. REIS: According to the survey you submitted Mr. Petrone your access is going to be off Birch Drive?

MR. PETRONE: Well, we have access, we own both driveways, both streets, it looks to me like Birch will be the principal one, I see it's wider than the other one.

MR. KANE: Any easements running through the property?

MR. PETRONE: No, sir. Well, yes, plenty of easements from--

MR. KANE: Where you're going to build the house?

MR. PETRONE: Not where we're going to build the house but on the driveway there are plenty of easements.

MR. KANE: But just where you're going to build the house?

MR. PETRONE: There's nothing there.

MR. KANE: Okay, at this point, I'm going to remove from the board and open it up to the public. If anybody has anything to say, please step forward, state your name and address and say what you have to say.

MS. BELTEMPO: My name is Joan Beltempo and I live at 16 Riley, I was a little confused as to exactly where the house is going to be built. My house is the first house on the right-hand side off of Route 94 so I was wondering if that's the property. So you're on Birch then?

MR. PETRONE: We own Birch and Ash.

MR. KANE: Back here.

MR. PETRONE: You're on Riley?

MS. BELTEMPO: I'm on Riley.

MR. PETRONE: We're 500 feet from you.

MS. BELTEMPO: I wanted to make sure it wasn't the piece on the corner of Riley and Route 94.

MR. PETRONE: No, we're way back.

MR. KRIEGER: Now that your question has been answered, are you opposed, in favor of it?

MS. BELTEMPO: No, I'm in favor, the man owns the property, he should be able to do what he wants with it. That's it.

MR. KANE: Thank you. Anybody else in the audience for this particular hearing? Seeing as there's not, we'll ask Myra how many, I'll close the public hearing.

MR. KRIEGER: It was originally part of a subdivision?

MR. PETRONE: Yes.

MR. KRIEGER: And you owned that property but you don't own them anymore?

MR. PETRONE: No, none of it, the only one left is this one and it was left because of its peculiar shape.

MR. KRIEGER: Okay, the house that you propose building on it is it going to be bigger, smaller, about the same size as the other houses in the neighborhood?

MR. PETRONE: Substantially the same, I don't know, I don't remember but it's going to be around 3,000 square feet.

MR. KRIEGER: And you believe that to be similar to the other houses in the neighborhood?

MR. PETRONE: Yes.

MR. KRIEGER: It will be similar in appearance, there's no limit as to what it's going to look like, just want it to be similar?

MR. PETRONE: Sure, there's a general appearance of the whole neighborhood.

MR. KRIEGER: How big are the other lots that are close to it?

MR. PETRONE: The other 7 lots if I remember right were at 2/3 of an acre.

MR. KRIEGER: And this would be?

MR. PETRONE: This would be two acres including of course the driveways and all that but as bulk it's

August 8, 2005

21

going to be two acres so its way over.

MR. KRIEGER: It's an unusual shape.

MR. PETRONE: Yes.

MR. BABCOCK: Lot 1 in the subdivision is 39,000 square feet, lot 3 is 33,000 square feet, this lot is 107,000 square feet, it's the biggest of all of them, it's just odd shaped.

MR. PETRONE: Well, Mr. Chairman, originally we thought we could make two lots of this but access became very difficult, frontage on Riley and so this is really a merger of the two proposed lots, one of which couldn't meet the code and this is why it's so large. Of course, you know, the shape is also very odd so--

MR. KANE: Right back to Myra, how many mailings did we have?

MS. MASON: On July 22, I mailed out 51 envelopes and had no response.

MR. PETRONE: I got four back.

MR. KANE: Four returns on that, thank you. I will bring it to the board, any further questions? All set, I'll accept a motion.

MR. REIS: I make a motion that we grant Mr. Petrone, Omat, Inc. his request for 73.4 foot minimum lot width and 25 foot side yard setback and 50 foot total side yard setback for proposed one-family dwelling. Should we include in that on Birch Drive?

MR. KANE: No, I don't think it's necessary.

MR. BABCOCK: What's that?

MR. REIS: For identification purposes include Birch Drive on that?

MR. BABCOCK: That's fine.

MS. LOCEY: Is it supposed to be subject to the road agreement, maintenance agreement?

MR. KANE: Well, he has to get that agreement, the outside users agreement?

MR. BABCOCK: Yeah, if he doesn't have that, he will have to apply for that.

MS. LOCEY: So there's no need to make that a condition.

MR. BABCOCK: I think that that property is in the sewer and water districts.

MR. PETRONE: That's what I believe.

MR. KRIEGER: If it's a condition, it's a condition regardless of what this board does.

MR. BABCOCK: But you can make it a condition if you'd like.

MR. KANE: My only question is that if, you know, if you don't get the outside user agreement that the variances go with the land.

MR. BABCOCK: Well, no, if he wasn't successful, he'd have to put a well and septic in and if he can't put a well and septic, he can't build, we don't want a well and septic there so--

MR. KANE: Yeah, I don't think we need to make it a condition, I think it's--

August 8, 2005

23

MR. KRIEGER: I think it sounds like it exists, otherwise, even if the board grants a variance, he still has to meet that requirement or the variance is useless.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. REIS	AYE
MS. GANN	AYE
MR. BROWN	AYE
MS. LOCEY	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS: (CONTINUED)

OMAT, INC. (PETRONE) (05-38)

Mr. Michael Petrone appeared before the board for this proposal.

MR. REIS: Request for 734 minimum lot width and 25 ft. side yard setback and 50 ft. total side yard setback for proposed one-family dwelling at Riley Road. Step right up here, sir, speak loud enough so the lady can hear you, tell us what you'd like to accomplish, sir.

MR. PETRONE: I have filed for a variance on one lot my company owns in the, off Dean Hill Road in New Windsor, I appeared for Omat who is the owner of record, Omat, Inc. O-M-A-T, my name is Michael Petrone, P-E-T-R-O-N-E and I'm the president. This lot was part of the subdivision that was approved years ago which was sponsored or started by myself. This is the last lot of that subdivision which was remained pending due to the fact that it has an access and entrance from a different road, not from Dean Hill but from Riley Road, it was a peculiar situation with the private roads. This was all sorted out and the lot remained undeveloped. Meanwhile, everything else around it had been built and meanwhile the Town has changed the zoning so that the zoning I believe at that time is zoning bulk for that area was 2/3 of an acre, now it's somewhere around two acres. The lot exceeds two acres so I filed for a building permit tentatively, the building department as I expected rejected it because it doesn't meet the new ordinances of the Town. And from what I can gather actually from what the building inspector found we need a variance for minimum lot width and a variance for side yards, the side yards today are 40 feet and we're requesting 15 feet. These variances are granted, we can develop the lot otherwise the lot is totally unbuildable and of course it's 2 acres lake front, I think that's the issue.

MR. KRIEGER: How many lots were there in the subdivision originally, approximately?

MR. PETRONE: Originally, if I remember correctly, eight, seven or eight, I don't remember.

MR. KRIEGER: They have all been built except for this one?

MR. PETRONE: All been built.

MR. KRIEGER: All the roadways and curbs, it's all in there?

MR. PETRONE: Yes, there's nothing else to do except the variance and the lot doesn't require any additional approval, it's a filed map, it's actually I have the map.

MR. KRIEGER: Okay.

MR. REIS: We have a copy of it, thank you.

MR. PETRONE: If you have a copy, you see it's a very strange--

MR. REIS: Highly irregular.

MR. PETRONE: Quite irregular, yes, it was a left over from old farm roads and access, et cetera.

MR. REIS: What's your access for this proposed house?

MR. PETRONE: The only access there are actually two accesses, two private roads or driveways if you want to call them that, Riley Road.

MR. BABCOCK: Which one are you going to access from, Birch?

MR. PETRONE: Either one, Birch looks like the best widest and the best kept unless we want to decide to make a one way but you can do that because there's some houses there so they'll both need, they have to be two way so Birch is the obvious access, yes.

MR. REIS: How does this tie in with Dean Hill Road, Michael?

MR. PETRONE: Originally, it was this land was fronting on Dean Hill Road, there was a complex situation with a widening of Dean Hill Road and the continuation, the extension of the road, Mr. Babcock knows that story very well.

MR. BABCOCK: Yeah, on the top of the paper you've got the paper there, Dean Hill Road is right here, this is where you see the word road, all right.

MR. PETRONE: Let me show you here.

MR. REIS: I've got the tax map.

MR. PETRONE: This will give you a better idea.

MR. BABCOCK: It's just not big enough.

MR. PETRONE: This is the survey of the, this is Dean Hill Road which was later on extended, see dirt road here, that's now also still Dean Hill Road and it meets Riley Road down here.

MR. BABCOCK: Yeah, actually what happens was it got changed and it went like to this, brand new road goes dead straight and what we did was we took and cut an easement and then these people these lots got the rest of this property.

MR. PETRONE: Right, actually we had to give up, we

have to grant some easements so that Dean Hill Road instead of going this way will go this way so that was straightened out.

MR. BABCOCK: This is the piece we're looking at.

MR. PETRONE: Right, this was left over.

MR. REIS: Benedict's Pond catches it over here?

MR. PETRONE: Right, it fronts on Benedict's Pond, small front, this is all built beautifully by the way.

MR. REIS: Should we change it on the record to reflect that it's Birch Drive and/or Ash Street?

MR. PETRONE: It's Riley Road, actually.

MR. REIS: First one.

MS. MASON: We have it as Dean Hill.

MR. BABCOCK: Mike, the reason he's asking Dean Hill Road is all the papers said that this lot is located on Dean Hill Road, it really isn't.

MR. PETRONE: Absolutely right.

MR. BACCOCK: We'll change that, it's off Birch.

MR. PETRONE: If I may be technical, it should be off Riley and the reason is that Birch is, actually, Birch is part of the lot, however, the Town road whatever address will be Riley is actually Riley, see we own both roads so the lot really fronts here.

MR. REIS: Who owns it?

MR. PETRONE: I do.

MR. REIS: You own the drive?

MR. PETRONE: Yes.

MR. REIS: You maintain that?

MR. PETRONE: No, well, it's vacant.

MR. BABCOCK: He owns both of the roads, he owns Ash Street and he owns Birch Road but everybody just uses it, it's been that way forever.

MR. REIS: Who maintains the roads?

MR. BABCOCK: They do, the people that live there.

MR. PETRONE: That was one of the reasons why the lot never got developed at the time because the ownership of the road was not too clear and so that it was kept in abeyance until this situation was cleared up so what happens you have 1, 2, 3, 4, 5 and 6 people off this road there, the houses are built here, in fact, they're getting improved, they're getting to be nice houses and the same as here on Ash, what happened is that the community improved this driveway, paved, this is not paved, but it's accessible and what happens is that whenever this would become used of course the maintenance will have to be divided among these people, they have been maintaining this for probably 30 or 40 years.

MR. REIS: Michael, adding another dwelling to this quote private road we don't have any issues as far as the Town's concerned, that's beyond our control here at the ZBA but--

MR. BABCOCK: Yeah, the problem with this is adding another lot, yes, I do have a problem but this lot's existing, this was an approved subdivision by the Town and if he would have come in on October 1st and got a

building permit, he wouldn't be here tonight, so tonight really he's here because he wasn't on time to get his building permit.

MR. PETRONE: I didn't know anything, I didn't know the conditions.

MR. BABCOCK: If somebody came in today and said they were adding another lot, subdividing, we would say no.

MR. PETRONE: That's correct, I understand that.

MR. REIS: Just wanted to make that clear, thank you. But we don't have any, there's no easements or right-of-ways that you have to contend with?

MR. PETRONE: No.

MR. REIS: You don't have to cut down any major vegetation to accomplish your goal?

MR. PETRONE: We do nothing, we'll just drive up and then we'll spin a driveway from the existing driveway and go inside the lot to the house, wherever the house is located, we have to find it, that's it, you see it, that's the obvious place for the house and the only reason we need it is that we don't have the width, if we implement today's ordinances, there will be no space for a house anywhere.

MR. BABCOCK: Mr. Chairman, maybe what we could do because I'm sure the people from Birch Street are going to come in at the public hearing and I don't know that and Mr. Krieger would be the best one to ask this to is that if we could go on record asking Mr. Petrone that he has no reason to cut access to anybody else on Birch Road since he's the owner of this road, can we do that, Andy, so that I don't think he has any objection to that, right?

MR. PETRONE: I'm not sure what you mean.

MR. BABCOCK: We're saying that we don't want you to stop access for your neighbor since you own the road.

MR. PETRONE: Oh, we would, of course.

MR. BABCOCK: We don't want you to say you can't drive on my road to get to your house anymore.

MR. PETRONE: I think they have this, I didn't check, I think they have deeded easement as of the, regardless of that.

MR. BABCOCK: If he would go on record.

MR. KRIEGER: Saying it's his understanding they have a deeded easement so whether they do or not he intends to behave as if they do.

MR. BABCOCK: Right because he can put a fence around his property which would go across this road that could block everybody's access.

MR. PETRONE: They have adverse domain way over ten years.

MR. KRIEGER: Yeah, provided a Supreme Court justice says that.

MR. BABCOCK: That's the problem but if you go on record saying that because I've got a feeling the people from Birch are going to come in to the public hearing, that's going to be their only comment.

MR. PETRONE: We shall stipulate that of course.

MR. KRIEGER: We can make that as part of the decision as a condition in the interest of justice at the end.

MR. PETRONE: On both of them, Birch and Ash.

MR. KRIEGER: The reason he's bringing this up his point is well taken is that then these people have something to do besides spend a few thousand dollars to go to court, they can bug him.

MR. PETRONE: Excellent, no problem.

MR. REIS: There's no road maintenance agreement on this?

MR. BABCOCK: No.

MR. PETRONE: No.

MR. REIS: Do you intend to create one?

MR. PETRONE: I don't know if that's necessary, they live like this forever, they worked out the maintenance with them, we'll get into that agreement if there has to be an agreement because they maintain it and paved it.

MR. BABCOCK: Mr. Chairman, I would suggest that we wait until the public hearing and see if anybody shows up and has any interest in that because it takes everybody to say yes.

MR. KRIEGER: That's the problem with a road maintenance agreement after the fact is that it requires you require unanimity, one person can--

MR. BABCOCK: But they may want to do that if nobody--

MR. KRIEGER: It is for reasons that are outside the considerations of this board, it is to their interest to do so but this board hasn't the power to compel them to do that.

MR. REIS: At the public hearing, if there's any issues about that we'll create some language to protect their interests as well as yours.

MR. PETRONE: Thank you.

MR. BABCOCK: Perfect.

MR. REIS: Any other questions?

MS. MASON: Is this Birch or Riley?

MR. BABCOCK: It's Riley.

MS. GANN: Is it possible that we can get some photos perhaps Mr. Petrone of the section and lot?

MR. PETRONE: I'm sorry, I didn't hear you.

MS. GANN: To see photos.

MR. PETRONE: Of the condition of the road, sure, I can either mail them, when do you want them cause I can do that.

MR. REIS: Bring it with you.

MS. MASON: I need it before that, I'll talk to you about it after.

MR. PETRONE: Okay fair enough, yeah, that's easy.

MR. REIS: This is going to be off Riley Road.

MR. BABCOCK: Right.

MR. REIS: I'll hear a motion.

MS. GANN: I'd like to offer a motion that we set up Omat, Inc., Mr. Petrone, for a public hearing for his

request for 73.4 foot minimum lot width and 25 foot side yard setback and 50 foot total side yard setback for proposed one-family dwelling at Riley Road in an R-3 zone, also putting in the condition about the road not being blocked.

MR. KRIEGER: We'll put it in at the public hearing.

MS. LOCEY: Second it.

ROLL CALL

MR. BROWN	AYE
MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE

RESULTS OF Z.B.A. MEETING OF: August 2005

PROJECT: Omat, Inc (Michael Petrov) ZBA # 05-38
P.B.#

P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y____N____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**_____ **N**_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M) S) VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒
VARIANCE APPROVED: MRs SL VOTE: A 5 N O.

GANN	<u>A</u>	
LOCEY	<u>A</u>	
BROWN	<u>A</u>	
MCDONALD	<u> </u>	CARRIED: Y <u> </u> N <u> </u>
REIS	<u>A</u>	
KANE	<u>A</u>	

This is a scan of a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Omat, Inc (Michael Petrone)

DATE: August 8, 2005

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Joan & Robert	Beltempo ¹⁶ Riley Rd	567-3723
2.			
3.			
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AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

MICHAEL PETRONE (OMAT, INC.)

**AFFIDAVIT OF
SERVICE
BY MAIL**

#05-38

_____X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

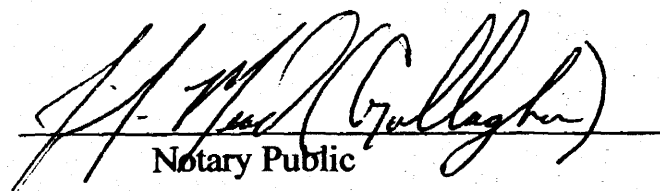
That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 22ND day of JULY, 2005, I compared the 51 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason, Secretary

8th day of August, 2005



Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

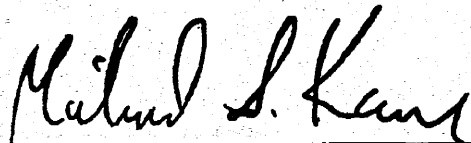
Appeal No. 05-38

Request of OMAT, INC. (MICHAEL PETRONE)

for a VARIANCE of the Zoning Local Law to Permit:

Request for 73.4 ft Minimum Lot Width and; 25 ft. Side Yard Setback and; 50 ft. Total Side Yard Setback for proposed one-family dwelling at Riley Road in an R-3 Zone (67-2-6.1)

PUBLIC HEARING will take place on AUGUST 8, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

July 13, 2005

Michael Petrone
501 Bramertown Road
Tuxedo Park, NY 10987

Re: 67-2-6.1 ZBA#: 05-38 (51)

Dear Mr. Petrone:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

<p>65-1-93 Sarjon, LLC c/o Benedict Pond at New Windsor LLC DGS Associates 535 High Mountain Road North Haledon, NJ 07508</p>	<p>65-1-94 Sarjon, LLC c/o Patriot North Management, Inc. 7 Sentry Drive – Suite 201 Parsippany, NJ 07054</p>	<p>67-1-1 William & Margaret McDonnell 1131 Sharpshooters Road North Fayston, VA 05660</p>
<p>67-1-2.22 Floyd & Tamra Johnson P.O. Box 662 Newburgh, NY 12550</p>	<p>67-1-3 Alton & Alice Peterson 53 Riley Road New Windsor, NY 12553</p>	<p>67-1-4 Debbie Roszkowski 45 Riley Road New Windsor, NY 12553</p>
<p>67-1-5 Wendy & Edward Kimball, Jr. 41 Riley Road New Windsor, NY 12553</p>	<p>67-1-6 David Barasky 316-A Jutland Drive Monroe, NJ 08831</p>	<p>67-1-7 Alice Mary Mula P.O. Box 282 Vails Gate, NY 12584</p>
<p>67-1-8 Karen & Modesto Sanchez 114 Birch Drive New Windsor, NY 12553</p>	<p>67-1-9 Michael & Arlene McGovern 122 Birch Drive New Windsor, NY 12553</p>	<p>67-2-1 William Bywater 115 Birch Drive New Windsor, NY 12553</p>
<p>67-2-2.12 Berzelius & Beroz Pavri 107 Birch Drive New Windsor, NY 12553</p>	<p>67-2-3.11 William Garrison 29 Riley Road New Windsor, NY 12553</p>	<p>67-2-4 Richard & Ann Bewick 27 Riley Road New Windsor, NY 12553</p>
<p>67-2-5 Janet Pilch John Morin, III 10 Ash Street New Windsor, NY 12553</p>	<p>67-2-6.2 Omat, Inc. 501 Bramertown Road Tuxedo Park, NY 10987</p>	<p>67-2-7 Pondside Builders, LLC 13 Hayes Court – Unit 101 Monroe, NY 10950</p>
<p>67-2-8.1 & 8.2 Edward & Joan Milmore 45 Dean Hill Road New Windsor, NY 12553</p>	<p>67-2-9.1 & 9.2 Alfred & Maureen Cestari 49 Dean Hill Road New Windsor, NY 12553</p>	<p>67-2-10.1 & 10.2 Frank Camilliere 53 Dean Hill Road New Windsor, NY 12553</p>
<p>67-2-11.1 & 11.2 Joseph & Elizabeth O'Connor 57 Dean Hill Road New Windsor, NY 12553</p>	<p>67-3-1 & 2 Pierre Belle, III 2 Belle Court New Windsor, NY 12553</p>	<p>67-3-3 John Gadbois Joanne Esposito 7 Ash Street New Windsor, NY 12553</p>
<p>67-3-4 Tuan Hai Truong 19 Riley Road New Windsor, NY 12553</p>	<p>67-3-5 Rufus McCaster 15 Riley Road New Windsor, NY 12553</p>	<p>67-3-6, 67-7-1 & 2 Charles & Margaret Satterly 11 Riley Road New Windsor, NY 12553</p>
<p>67-4-2 Ronald, Renee, Michael & Donna Handy 54 Riley Road New Windsor, NY 12553</p>	<p>67-4-3 Nilda Natal Roberto (UX) Alvarez 50 Riley Road New Windsor, NY 12553</p>	<p>67-4-4.1 Edward Miele Station Street P.O. Box 116 Southfields, NY 10975</p>

67-4-4.21 Michael Miele 40 Riley Road – Unit 2 New Windsor, NY 12553	67-4-6 Martin Werzberger 1 Mezabish Road – Unit 311 Monroe, NY 10950	67-4-7.11 Pasquale, Anna & Virginia Mugnano 2 Cimorelli Drive New Windsor, NY 12553
67-4-8 Robert Beltempo 16 Riley Road New Windsor, NY 12553	67-4-9 Joseph Messina Frank Messina, III 637 Beattie Road Rock Tavern, NY 12575	67-4-10 Leonard & Carol Chidgey 1160 Route 94 New Windsor, NY 12553
67-4-11 George & Edna Hopkins P.O. Box 31 Vails Gate, NY 12584	67-4-12.1 Joseph Castelo P.O. Box M2108 Hoboken, NJ 07030	67-4-12.2 Erie Properties, Corp. 401 South Water Street Newburgh, NY 12550
67-4-19 Vernon & Brenda Peterson P.O. Box 494 Vails Gate, NY 12584	67-4-20.1 Paresh Modh 1136 Route 94 New Windsor, NY 12553	67-4-21 Moshhil, Inc. 14 Fillmore Court #201 Monroe, NY 10950
67-6-2 Leif Finn Syvertsen 1 Gerow Lane New Windsor, NY 12553	67-6-3 Donald & Roxanne Babcock 6 Gerow Lane New Windsor, NY 12553	67-6-4 Debra & Herbert Crosbie, III P.O. Box 578 Cornwall, NY 12518
67-6-5 Joseph Castelo 223 Willow Avenue Hoboken, NJ 07030	89-3-25 Anthony & Tracy Vence 1002 Pine View New Windsor, NY 12553	89-4-1 Mohamedyasin & Shamim Rajpura 1001 Pine View New Windsor, NY 12553
89-4-9 Rajkumar Muthukrishnan 1004 Forest Glen New Windsor, NY 12553	89-4-10 Eric & Michelle Azoff 1002 Forest Glen New Windsor, NY 12553	89-5-1 Vernon & Angela Byron 1001 Forest Glen New Windsor, NY 12553

Town of New Windsor Zoning Board of Appeals
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-38
Request of OMAT, INC. (MICHAEL PETRONE) for a VARIANCE of the Zoning Local Law to Permit: Request for 73.4 ft Minimum Lot Width and; 25 ft. Side Yard Setback and; 50 ft. Total Side Yard Setback for proposed one-family dwelling at Riley Road in an R-3 Zone (67-2-6.1)

PUBLIC HEARING will take place on AUGUST 8, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1778591 Advertiser: NEW WINDSOR, TOWN

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INVOICING CUSTOMER:

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555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THIRGALEWSK Date: 07/15/2005 Assigned Sales: AdType: LINER Order Type: NORMAL

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Schedule: Start Date - 07/25/2005 End Date - 07/25/2005

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Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 0.00 Payment Method: B1 Amount Paid: 0 Amount Owed: 0

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LE1

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

\$42.34

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#618-2005**

07/08/2005

Petrone, Michael

Received \$ 50.00 for Zoning Board Fees, on 07/08/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

ZBA 05-38 application fee -



RESULTS OF Z.B.A. MEETING OF:

July 11, 2005

PROJECT: Omat, Inc

ZBA # 05-38

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) 6 S) L

VOTE: A 4 N 0

GANN A
LOCEY A
BROWN A
~~MCDONALD~~ A
REIS A
~~KANE~~

CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

Need Photos of Road



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

June 5th, 2005
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information: Phone Number: (845) 782 5535
OMAT, INC. Fax Number: (845) 231 1091
(Name)
501 Brewster Rd - Tuxedo Park, NY 10987
(Address)

II. Applicant: Phone Number: () Some
MICHAEL N. PETRONE Fax Number: ()
(Name)
Some
(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ()
Some Fax Number: ()
(Name)
(Address)

IV. Contractor/Engineer/Architect/Surveyor/: Phone Number: ()
Some Fax Number: ()
(Name)
(Address)

V. Property Information:
Zone: R 3 Property Address in Question: Don Hill Rd - Lot 7 Bounded by Batterskill
Lot Size: 107,704 sq ft Tax Map Number: Section 67 Block 2 Lot 6.1
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? yes
c. When was property purchased by present owner? 1990
d. Has property been subdivided previously? yes If so, When: 2001
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	80,000'	107,709'	N/A
Min. Lot Width	175'	101.6'	73.4'
Reqd. Front Yd.	45'	> 500'	N/A
Reqd. Side Yd.	40'	15'	25'
Reqd. Rear Yd.	50'	750	N/A
Reqd. St Front*	70'	101.67'	N/A
Max. Bldg. Hgt.	35'	< 35'	N/A
Min. Floor Area*	N/A	N/A	N/A
Dev. Coverage*	20%	< 20%	N/A
Floor Area Ration**	N/A	N/A	N/A
Parking Area	N/A	N/A	N/A

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

lot 7 was included in the Benedict Pond
Estates II Subdiv. approved by the Planning Bd prior to Town Code
change - It did meet prior Town Code -
lot cannot be built on without variance approval
Variance is needed only for side yards and min lot width
Variance would not affect neighborhood which was developed
in accordance with prior Town Code - Variance would
integrate lot 7 to all surrounding lots
Difficulty was created by Town Code change

PLEASE NOTE:

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Building will meet present new Town Code

XIII. ATTACHMENTS REQUIRED:

- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy. ✓
- ☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

_____ day of _____ 20____

Owner's Signature (Notarized)

Owner's Name (Please Print)

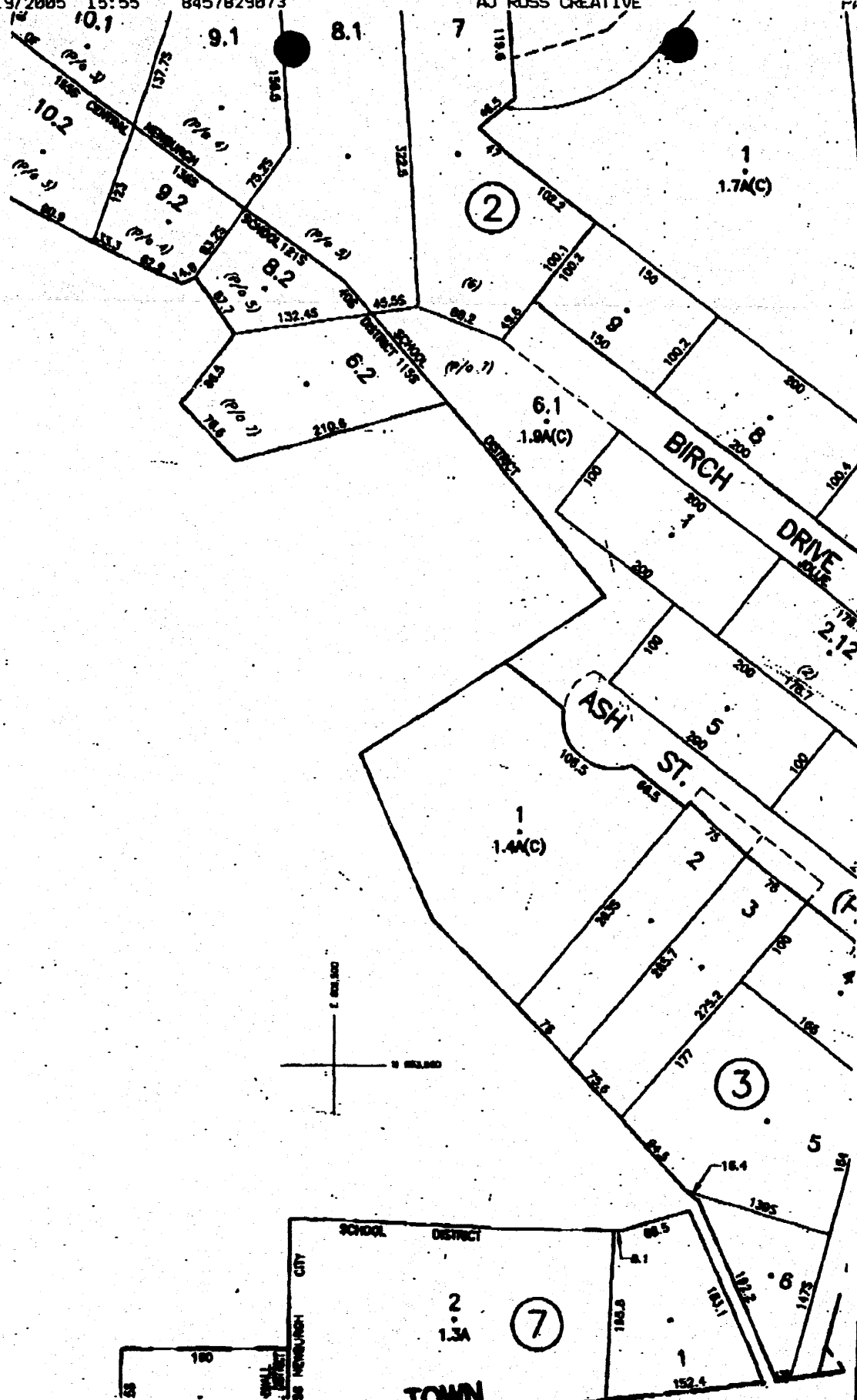
Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



NOTICE OF CHANGE OF ASSESSMENT

Town of New Windsor

Owner Name and Mailing Address:

Omat Inc
501 Bramertown Rd
Tuxedo Park, NY 10987

Parcel ID

334800 67-2-6.1

Acct Nbr

65-1-51.2

Location/Description

Dean Hill Rd
T/O New Windsor, NY
Pt Lt 7 Benedict Pond Est
2 Map 194-02 Filed 9/11/2
Ws Riley Rd

You are hereby notified in accordance with the requirements of Section 510 of the Real Property Tax Law that the assessed valuation of the real property identified above, under your ownership, has been adjusted as shown:

Prior Assessed Value	\$5,100
Current Year Tentative Assessment	\$17,100
Net Change	\$12,000

A publication is available at the assessor's office which explains how to file a complaint on your assessment.

Grievance Day: MAY 24, 2005

If you have any questions concerning the above change, you may telephone the assessor's office at (845) 563 - 4631.

GRIEVANCE FORMS ARE AVAILABLE IN THE ASSESSORS OFFICE.
IF YOU WISH TO PROTEST THE CURRENT YEAR ASSESSMENT,
YOUR FORM MUST BE FILED BY MAY 24, 2005.
ALTERNATE PHONE NUMBER 563-4633.

J TODD WILEY
Assessor

TAX PAYMENT RECEIPT

CTL # 43-172

2005 COUNTY & TOWN TAX
TOWN OF NEW WINDSOR, COUNTY OF ORANGE NY
* FISCAL YEAR: 1/1/05 - 12/31/05

* WARRANT DATE: 12/29/04

Bill No: 5682
Sequence No: 5682
Page No: 1 of 1

MAKE CHECKS PAYABLE TO:

MARY ANN BOTALING
RECEIVER OF TAXES
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
(845) 563-4627

TO PAY IN PERSON:

NEW WINDSOR TOWN HALL
8:30-4:30 MON THROUGH FRI
TAX PAYABLE JAN FEB MARCH
1 PAYMENT ONLY.

PROPERTY DESCRIPTION & LOCATION:

SWIS: 334800 S-B-L: 67-2-6.2
Property Location:
Municipality: New Windsor
School: Cornwall Csd

334800 67-2-6.2

Res vac land Roll Sect. 1
Parcel Size: 115.00 X 211.00

Omat Inc
501 Bramertown Rd
Tuxedo Park, NY 10987

P A I D

RECEIVER OF TAXES
TOWN OF NEW WINDSOR

Account No:
Estimated State Aid: CNTY 71,099,199
TOWN 257,000

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimated the Full Market Value of this Property as of January 1, 2004 was: 19,130
The Total Assessed Value of this property as of July 1, 2004 was: 4,400
The Uniform Percentage of Value used to establish assessments in your municipality was: 23.00%
If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information please ask your assessor for the booklet "How to File a Complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed.

EXEMPTIONS

Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose
-----------	-------	-------------	-----------	-------	-------------	-----------	-------	-------------

PROPERTY TAXES

IF YOU HAVE AN ESCROW ACCOUNT PLEASE FORWARD THIS BILL TO YOUR BANK

Taxing Purpose	Total Tax Levy	% Change From Prior Year	Txbl Assessed Value or Units	Rate per \$1000 or per Unit	Tax Amount
County	95,134,100	11.5	4,400.00	19.498000	85.79
Town	4,252,377	3.2	4,400.00	12.179800	53.59
Highway	2,502,325	3.4	4,400.00	7.152600	31.47
Nw ambulance	100,000	-54.7	4,400.00 TO	.243000	1.07
Vails gate fire	563,300	5.7	4,400.00 TO	2.030400	8.93
Swr dist 19 bond			7.00 UN	6.640200	46.48
Nw wtr 13 ext	97,000	2.1	4,400.00 TO	12.705500	55.90

PAYMENT SCHEDULE

BASE TAX: 283.23

Pay By	Penalty %	Amount	Penalty	Total Due
JAN 2005	0.0%	283.23	0.00	283.23
FEB 2005	1.00%	283.23	2.83	286.06
MAR 2005	2.00%	283.23	7.66	290.89

100% OF YOUR COUNTY TAXES ARE FOR MANDATED SVRS PROGRAMS
Apply for Third Party Notification by: 11/01/2004
TAXES PAID BY: OMAT INC ON 01/31/2005

Bill No: 5682
334800 67-2-6.2

* * TAX PAYMENT RECEIPT * *

CTL # 43-172

	TAX	PNLTY	OVR-PMT	TOTAL
Omat Inc 501 Bramertown Rd Tuxedo Park, NY 10987	CHGD: 283.23			283.23
	- PD: 283.23			283.23

PTBO

AMT-DUE: 0.00 0.00

PAYMENT SCHEDULE

Pay By	Penalty	Amount	Total Due
JAN 2005	0.00	283.23	283.23
FEB 2005	2.83	283.23	286.06
MAR 2005	7.66*	283.23	290.89

BASE TAX: 283.23
100% OF YOUR COUNTY TAXES ARE FOR MANDATED SVRS PROGRAMS

Apply for Third Party Notification by: 11/01/2004
TAXES PAID BY: OMAT INC ON 01/31/2005

NET PAID: 283.23

TAX PAYMENT RECEIPT

CTL # 43-100

2005 COUNTY & TOWN TAX
TOWN OF NEW WINDSOR, COUNTY OF ORANGE NY
* FISCAL YEAR: 1/1/05 - 12/31/05

* WARRANT DATE: 12/29/04

Bill No: 5681
Sequence No: 5681
Page No: 1 of 1

MAKE CHECKS PAYABLE TO:

MARY ANN HOTALING
RECEIVER OF TAXES
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
(845) 563-4627

334800 67-2-6.1

TO PAY IN PERSON:

NEW WINDSOR TOWN HALL
8:30-4:30 MON THROUGH FRI
TAX PAYABLE JAN FEB MARCH
1 PAYMENT ONLY.

PAID

PROPERTY DESCRIPTION & LOCATION:

SWIS: 334800 S-B-L: 67-2-6.1
Property Location: Dean Hill Rd
Municipality: New Windsor
School: Newburgh Csd

Res vac land
Parcel Size: 1.90 Acres

Roll Sect. 1

Account No: 65-1-51.2

Omat Inc
501 Bramertown Rd
Tuxedo Park, NY 10987

RECEIVER OF TAXES
TOWN OF NEW WINDSOR

Estimated State Aid: CNTY 71,099,199
TOWN 257,000

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimated the Full Market Value of this Property as of January 1, 2004 was: 22,174
The Total Assessed Value of this property as of July 1, 2004 was: 5,100
The Uniform Percentage of Value used to establish assessments in your municipality was: 23.00%
If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information please ask your assessor for the booklet "How to File a Complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed.

EXEMPTIONS

Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose
-----------	-------	-------------	-----------	-------	-------------	-----------	-------	-------------

PROPERTY TAXES

IF YOU HAVE AN ESCROW ACCOUNT PLEASE FORWARD THIS BILL TO YOUR BANK

Taxing Purpose	Total Tax Levy	% Change From Prior Year	Taxbl Assessed Value or Units	Rate per \$1000 or per Unit	Tax Amount
County	95,134,100	11.5	5,100.00	19.498000	99.44
Town	4,252,377	3.2	5,100.00	12.179800	62.12
Highway	2,502,325	3.4	5,100.00	7.152600	36.48
Nw ambulance	100,000	-54.7	5,100.00 TO	.243000	1.24
Vails gate fire	563,300	5.7	5,100.00 TO	2.030400	10.36
Swr dist 19 bond			14.00 UN	6.640200	92.96
Nw wtr 13 ext	97,000	2.1	5,100.00 TO	12.705500	64.80

PAYMENT SCHEDULE**BASE TAX: 367.40**

Pay By	PNlty %	Amount	Penalty	Total Due
JAN 2005	0.0%	367.40	0.00	367.40
FEB 2005	1.00%	367.40	3.67	371.07
MAR 2005	2.00%	367.40	9.35	376.75

100% OF YOUR COUNTY TAXES ARE FOR MANDATED SVRS PROGRAMS

Apply for Third Party Notification by: 11/01/2004
TAXES PAID BY: OMAT INC ON 01/31/2005

Bill No: 5681
334800 67-2-6.1

* * TAX PAYMENT RECEIPT * *

CTL # 43-100

	TAX	PNLTY	OVR-PMT	TOTAL
Omat Inc 501 Bramertown Rd Tuxedo Park, NY 10987	367.40			367.40
- PD:	367.40			367.40

PTBO

AMT-DUE: 0.00 0.00**PAYMENT SCHEDULE****BASE TAX: 367.40**

Pay By	Penalty	Amount	Total Due
JAN 2005	0.00	367.40	367.40
FEB 2005	3.67	367.40	371.07
MAR 2005	9.35*	367.40	376.75

100% OF YOUR COUNTY TAXES ARE FOR MANDATED SVRS PROGRAMS

Apply for Third Party Notification by: 11/01/2004
TAXES PAID BY: OMAT INC ON 01/31/2005

NET PAID: 367.40

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-08-05

FOR: ESCROW 05-38

FROM:

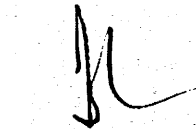
Michael Petrone
501 Bramertown Road
Tuxedo Park, NY 10987

CHECK NUMBER: 447

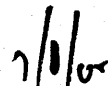
TELEPHONE: 782-5535

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU